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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Roy Want

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10/06/2006

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EXAMINER

SAXENA, AKASH

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/025,268	<b>Applicant(s)</b> WANT ET AL.	
	<b>Examiner</b> Akash Saxena	<b>Art Unit</b> 2128	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 9, 10, 20, 21, 25-27, 29, 30 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

1. Claim(s) 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 has/have been presented for examination based on amendment filed on 7<sup>th</sup> July 2006.
2. Claim(s) 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 is/are amended.
3. Claim(s) 5-8, 11-19, 22-24, 28, 31-33, 37 and 38 is/are cancelled.
4. The arguments submitted by the applicant have been fully considered. Claims 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 remain rejected. The examiner's response is as follows.

***Response to Applicant's Remarks & Examiner's Withdrawals***

5. Examiner withdraws the claim rejection(s) under 35 USC § 103 to claim(s) 1-36 in view of the applicant's amendment.
6. New rejection under 35 USC 102 is presented below. Applicant's arguments although moot in view of new rejection, are still addressed appropriately in the rejection below.

***Claim Rejections - 35 USC § 112¶1<sup>st</sup>***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “portable electronic device 14 may emulate the electronic apparatus *on any one* of the plurality of different access devices” (Specification see below), does not reasonably provide enablement for “a portable device coupled with a plurality of access devices” (as in claim 1) where the term “coupled” is understood from the claim 3 language further stating “portable device is further to simultaneously emulate multiple access devices”. The specification does not enable a person skilled in the art to which it pertains, or with which it is most nearly connected, to *make and use* the invention commensurate in scope with these claims. Specification does not also state the claimed limitation, except in claims, where the communication between the portable electronic device and access device is disclosed. Specification Pg.5 ¶2 states:

The portable electronic device 14 includes an operating system 37, a mass storage module 38, e.g., a hard disc drive, and a wireless communication module 40 which includes a Bluetooth stack 42 and Bluetooth hardware 44. The wireless communication module 40 and the wireless communication interface 30 communicate with each other using standard Bluetooth IEEE 802.15 communication protocols when within a limited wireless communication range. Typically universal plug and play (UPA) technology is used so that, when the portable electronic device 14 is within the wireless communication range of an access device 12, communications can be established so that the portable electronic device 14 may emulate the electronic apparatus *on any one* of the plurality of different access devices 12 at different physical locations. Thus, a person or bearer of the portable electronic device 14 may use any access device 12, which is at a location proximate to the user.

Further, Secondly, Examiner is unclear what the access devices constitute.

Applicant has defined the portable devices to include MP3 player, PDA and such, however, no embodiment of an access device is claimed. Although the functionality related to access devices is claimed without known embodiment one skilled in the art is left wondering what access device could be. For example as best understood and as seemingly claimed, if the PDA (portable device) comes within communication range of a TV remote (access device???) the TV remote sends the GUI view data and the functionality (emulated data) over to the PDA and PDA can now act as TV remote. If this interpretation is correct then examiner does not see enablement for such an access device and claims as indicated above do not claim such a specific access device. Examiner requests applicant to comment and point in specification for it enablement.

***Claim Rejections - 35 USC § 112<sup>nd</sup>***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Regarding Claim 10**

Claim 10 discloses, "access device is capable of providing the data for emulation to the access device". It is unclear what goal is achieved in providing emulation data from access device to an access device.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**9. Claims 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 are rejected under 35**

**U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,292,186 issued to Lehman et al (Lehman hereafter).**

**Regarding Claim 1**

Lehman teaches a portable device (as PDA) or in general a Universal Information Appliance (UIA) (Lehman: Col.3 Lines 40-49) coupled with a plurality of access devices (Other wirelessly controlled Devices) (Lehman: Col.1 Lines 27-67). Lehman teaches the portable device having a switch to select an access device from the plurality of access devices to be emulated at the portable device *as a plural graphical user interface (GUI) instantiations* (Lehman: Col.3 Lines 50-58). Further, *a skilled artisan in the art of mobile computing knows various GUI means for switching to select between emulated applications*. Shown below are various applications such as calculator, electronic address book, digital clock etc, as evidentiary support is application interface from Palm Pilot Handbook 1997<sup>1</sup>. Lehman teaches such

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<sup>1</sup> PalmPilot™ Handbook – 1997 – Pg.ii, 27-29

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application design for PDA like Palm Pilot (Lehman: Col.3 Lines 40-49) as well as windows CE (Lehman: Col.1 Lines 35-37). Lehman teaches a switch to select *when the portable device is within a wireless communication range of one or more of the plurality of access devices* (Lehman: Col.4 Line 66- Col5 Line 7). Lehman also teaches an embedded system to emulate the access device selected from the plurality access devices (Lehman: Fig.2-3 Col.5 Lines 8-47), the emulating of the selected access device including emulating data as displayed on the access device (Lehman: at least in Fig.2-3 Col.5 Lines 48-59– GUI elements using MoDAL Language; Other Col.5-14). Lehman teaches a data storage system to store emulation data used by a portable electronic device to emulate the plurality of remote electronic devices (such as TV remote, Garage Door opener, GUI application tailored for users with physical impediment) (Lehman: Col.1 Lines 42-67; Col.4 Lines 20-24; Col.4 66-Col.5 Line 7; Col.3 Lines 12-15; Col.3 Line 64-Col.4 Line 2).

And the selected access device having a wireless connection system to establish a wireless connection with the portable device, and communicate data to be emulated to the portable device as application downloaded from the source where the source application is requested by the portable device (Col.2 lines 22-28).

#### Regarding Claim 2

Lehman teaches *wherein the emulating of the data comprises emulating a display layout on the portable device that simulates the physical appearance of the selected remote electronic access device* using a computer code written in MoDAL language (Lehman: Col.1 Lines 42-67; Col.3 Line 50 Col.4 Line 9; Col.5 Lines 48-59).



Regarding Claim 3

Lehman teaches controller causes the portable electronic device to simultaneously emulate multiple remote electronic devices from the plurality of remote electronic device (Lehman: Col.1 Lines 42-67Col.4 Lines 66-Col.5 Line 7; Col.3 Lines 12-15; Col.3 Line 64-Col.4 Line 2).

Regarding Claim 4

Lehman teaches wherein the display layout includes function buttons that resemble function buttons on the selected remote electronic device in appearance and which, when activated by a pointing device, cause the portable electronic device to execute similar functions to the function buttons on the selected remote electronic device (Lehman: Col.2 Lines 49-Col.3 Lines-16).

Regarding Claim 9

Lehman teaches a portable electronic device like Palm Pilot from 3Com (release 1997), which is known in the art to have features like a calculator and PDA (Lehman: Col.3 Lines 40-49).

Regarding Claim 10

Lehman teaches the system of claim 1, wherein the portable device is further to determine whether the **access device is capable of providing the data** for emulation **to the access device** (Lehman: Col.4 Line 66- Col.5 Line 7 & Lines 25-27).

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Regarding Claim 20

Method claim 20 is directed towards the same limitations as the system claim 1 and is rejected for the same reason as claim 1.

Regarding Claim 21

Claim 21 is directed towards the same limitations as the claim 2 and is rejected for the same reason as claim 2.

Regarding Claim 25

Lehman teaches communication between the portable device and access device is established via Bluetooth (Lehman: Col.5 Lines 1-8).

Regarding Claim 26

Claim 26 is directed towards the same limitations as the claim 9 and is rejected for the same reason as claim 9.

Regarding Claim 27

Claim 27 is directed towards the same limitations as the claim 10 and is rejected for the same reason as claim 10.

Regarding Claim 29

Claim 29 is directed towards the same limitations as the claim 1 and is rejected for the same reason as claim 1.

Regarding Claim 30

Claim 30 is directed towards the same limitations as the claim 2 and is rejected for the same reason as claim 2.

Regarding Claim 34

Lehman teaches communication between the portable device and access device is established via Bluetooth (Lehman: Col.5 Lines 1-8).

Regarding Claim 35

Claim 35 is directed towards the same limitations as the claim 9 and is rejected for the same reason as claim 9.

Regarding Claim 36

Claim 36 is directed towards the same limitations as the claim 10 and is rejected for the same reason as claim 10.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akash Saxena whose telephone number is (571) 272-8351. The examiner can normally be reached on 9:30 - 6:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini S. Shah can be reached on (571)272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Friday, September 29, 2006

  
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